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Report of the Human Rights Council

Proposed programme budget for the biennium 2014-2015

Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its twenty-second, twenty-third and twenty-fourth sessions

Sixteenth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2014-2015

1. The Advisory Committee on Administrative and Budgetary Questions has considered an advance version of the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its twenty-second, twenty-third and twenty-fourth sessions (A/68/634), which was submitted in accordance with the procedure approved in part V of General Assembly resolution 63/263. During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 5 December 2013.

2. The Advisory Committee notes that the twenty-fourth session of the Human Rights Council concluded on 27 September 2013, and that an advance version of the report of the Council on its twenty-fourth session (A/68/53/Add.1) was submitted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to the Controller on 24 October 2013, while an advance version of the Secretary-General's report on the revised estimates resulting from resolutions and decisions adopted by the Council was presented to the Committee on 2 December 2013. **The Advisory Committee regrets the continued late submission of the Secretary-General's reports on the revised estimates resulting from resolutions and decisions of the Human Rights Council, and it reiterates its earlier observation that the late submission of documentation has a negative impact on the functioning of intergovernmental bodies (see A/67/647, para. 1). The Committee trusts that the Secretary-General will submit subsequent reports on the revised**

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estimates resulting from resolutions and decisions adopted by the Council to the Committee by no later than the end of November.

3. The total requirements arising from the 63 resolutions and decisions having financial implications adopted by the Human Rights Council at its three regular sessions in 2013 give rise to total requirements of $23,991,100, inclusive of additional requirements of $10,945,900 under the programme budgets for the bienniums 2012-2013 and 2014-2015. The Advisory Committee notes that the total requirements include $4,307,200 for the biennium 2012-2013 and $10,465,200 for the biennium 2014-2015 for activities of a perennial nature, for which provisions have been made in the respective programme budgets. The Committee was informed that no Council mandates had been terminated during the twenty-second, twenty-third or twenty-fourth session.

4. It is proposed that, of the additional requirements of $10,945,900, an amount of $5,083,300 relating to the biennium 2012-2013 and an amount of $723,500 relating to the biennium 2014-2015 be accommodated within the appropriations for the respective bienniums, and that the remaining balance of the additional requirements of $5,139,100 be financed through additional appropriations in the context of the contingency fund for the biennium 2014-2015, comprising $1,159,200 under section 2, General Assembly and Economic and Social Council affairs and conference management; $3,977,100 under section 24, Human rights; and $2,800 under section 29F, Administration, Geneva. The annex to the report of the Secretary-General provides a summary, by each resolution and decision, of the related requirements, as well as the proposed sources of financing.

5. The Advisory Committee notes that, regarding the additional requirements resulting from Human Rights Council resolutions 22/13, on the situation of human rights in the Democratic People's Republic of Korea, and 22/24, on the situation of human rights in the Syrian Arab Republic, in April 2013 the Secretary-General sought and obtained the agreement of the Committee to enter into commitments of $3,857,800 under the provisions of General Assembly resolution 66/249, on unforeseen and extraordinary expenses for the biennium 2012-2013. The Committee was informed that the related expenditure under these two mandates had been reported in the context of the second performance report on the programme budget for the biennium 2012-2013 (A/68/628). Therefore, of the total additional amount of $5,083,300 accommodated within the appropriations for the biennium 2012-2013, the amount of $3,857,800 has been met from the appropriation for unforeseen and extraordinary expenses, while the amount of $1,225,500 has been accommodated within the appropriations under section 2, General Assembly and Economic and Social Council affairs and conference management; section 24, Human rights; section 29E, Administration, Geneva; and section 29F, Administration, Vienna.

6. Upon enquiry, the Advisory Committee was informed that, in accordance with the criteria applied by the Secretary-General in formulating proposals for (a) the financing of mandates from existing resources, as "perennial" activities already provided for in the programme budget for 2012-2013 or included in the proposed budget for 2014-2015, and (b) the financing of new or extended mandates, either through accommodation from within existing appropriations or from additional appropriations in the context of the contingency fund, the related requirements arising from resolutions and decisions of the Human Rights Council were so reflected in the annex to the Secretary-General's report. The Committee was also

informed that, in general, smaller, non-recurrent activities, such as the holding of a panel discussion or the preparation of a report, were proposed for implementation within existing budget resources. Moreover, the Committee was informed that for larger mandates, such as the establishment of a new Special Rapporteur or Independent Expert or the holding of a major international conference or consultation, where the resource requirements were new and of a substantial nature, there would not be sufficient capacity or expertise to handle the related workload without additional resources.

7. In this regard, the Advisory Committee was informed that the criteria applied by the Secretary-General were based on the relevant provisions of General Assembly resolution 44/201 B, section XI, in which the Assembly decided that additional requirements for those new mandates emanating from decisions of the Economic and Social Council, to which the former Commission on Human Rights had reported prior to the establishment of the Human Rights Council by the Assembly in its resolution 60/251, which were outside the scope of the perennial activities included in the budget section on human rights, were to be treated in accordance with the provisions for the use and operation of the contingency fund.

8. The Advisory Committee notes that throughout the Secretary-General's report, in those cases where mandated activities have not been provided for in the proposed programme budget for the biennium 2014-2015 and have been proposed for accommodation from within the available resources in the programme budget, the Secretary-General indicates that no additional appropriation would be requested as a result of the adoption of the resolution, and that "every possible effort would be made to meet the additional requirements from the proposed programme budget for the biennium 2014-2015". In this regard, the Committee was informed, upon enquiry, that, towards the beginning of a biennium, it can usually be assumed that some relatively small additional requirements resulting from mandates adopted by the Council can be covered from within the existing budget allocations. However, as the biennium progresses, there is less flexibility with the remainder of the resources to cover the planned activities, and it may not be possible to commit to absorbing additional work requirements. Nevertheless, the Committee notes that a net amount of $1,225,500 has been proposed for accommodation within available resources in the programme budget for the biennium 2012-2013, while $727,500 has been proposed for accommodation within the proposed programme budget for 2014-2015 (see paras. 4 and 5 above). **The Advisory Committee recommends that the General Assembly request the Secretary-General to provide information on the accommodation of additional requirements in the context of the performance report in the biennium 2014-2015. The Committee encourages the Secretary-General to continue to accommodate, to the extent possible, additional requirements for mandated activities from within existing resources, while ensuring the effective implementation of mandates.**

9. The Secretary-General's report contains the texts of the statements of programme budget implications corresponding to each of the resolutions with financial implications, indicating the purposes of the requirements under the terms of the mandates; however, the Advisory Committee notes that information on expenditure in respect of the biennium 2012-2013 has not been included in the report (see para. 10 below). In this regard, the Committee was informed that all of the requested resources in the report were proposed for new mandates of the Council and that, with few exceptions, there had been no prior expenditure for those

activities. The Committee was also informed that the new mandates that had already resulted in actual expenditure in the biennium 2012-2013 included the following:

(a) Resolution 22/13, on the situation of human rights in the Democratic People's Republic of Korea, resulting in total expenditure in the biennium 2012-2013 of $1,044,700;

(b) Resolution 22/18, on assistance to the Republic of Mali in the field of human rights, resulting in total expenditure in the biennium 2012-2013 of $65,100;

(c) Resolution 22/24, on the situation of human rights in the Syrian Arab Republic, resulting in total expenditure in the 2012-2013 biennium of $2,954,600, of which the amount of $2,486,200 had been met from the existing appropriation;

(d) Resolution 24/14, on human rights and unilateral coercive measures, resulting in total expenditure in the 2012-2013 biennium of $127,100;

(e) Resolution 24/19, on regional arrangements for the promotion and protection of human rights, resulting in total expenditure in the 2012-2013 biennium of $187,500.

10. **The Advisory Committee reiterates its view that the presentation of proposals for additional requirements for the implementation of new mandates should include a clear analysis of actual expenditure in respect of similar activities and the current status of expenditure under the affected budget sections (see A/67/647, para. 7), and the Committee recommends that the Secretary-General be requested to provide such detailed supplementary information in respect of all revised estimates and statements of programme budget implications.**

General observations and recommendations

11. The Advisory Committee notes that three new posts (1 P-4 and 2 P-3) have been proposed for establishment under section 24, Human rights, of the programme budget for the biennium 2014-2015, in connection with resolutions and decisions adopted by the Human Rights Council at its three regular sessions in 2013 to support the activities mandated by the Council in its resolutions 24/19, 24/20 and 24/24. The Committee provides its comments and recommendations on the proposed new posts in the paragraphs below.

Human Rights Council resolution 24/19

12. In paragraph 225 of his report, the Secretary-General indicates that Human Rights Council resolution 24/19, on regional arrangements for the promotion and protection of human rights, would result in additional requirements of $555,300. In addition, the amount of $30,600 would be required under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment. A new P-3 post is proposed under section 24, Human rights, whose incumbent would be responsible for the implementation of the resolution as the focal point for cooperation between the United Nations and regional human rights mechanisms, including for the preparation for and organization of the requested workshop in 2014; and for the drafting of the report on the workshop to be presented to the Human Rights Council at its twenty-eighth session. **The Advisory Committee has no objection to the Secretary-General's proposals.**

Human Rights Council resolution 24/20

13. In paragraphs 228-231 of his report, the Secretary-General indicates that Human Rights Council resolution 24/20, on the human rights of older persons, would result in estimated requirements of $1,312,800 for the biennium 2014-2015, including $336,800 under section 2, General Assembly and Economic and Social Council affairs and conference management, and $976,000 under section 24, Human rights, which would be sought under the terms of the contingency fund for the biennium 2014-2015. In addition, the amount of $30,600 would be required under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment. The proposed requirements include one new P-5 post as well as general temporary assistance funds at the P-3 level for 12 months (6 months per annum), to assist the mandate holder by, inter alia, providing inputs in the preparation of thematic studies and reports; providing substantive assistance in the development of questionnaires for data collection; assisting in the analysis of information received; assisting the mandate holder, as appropriate, at specific events related to the mandate; undertaking activities in follow-up to the mandate holder's findings; accompanying the mandate holder on missions; and drafting communications. Upon enquiry, the Advisory Committee was informed that there were currently no staff in OHCHR working on the issue of the human rights of older persons.

14. In relation to this mandate, the Secretary-General proposes a consultancy at the P-3 level for 12 months (6 months per annum), at a total cost of $180,600. Upon enquiry, the Advisory Committee was informed that, in accordance with paragraph 5 (f) of resolution 24/20, the mandate holder was required to assess the human rights implications of the implementation of the Madrid International Plan of Action on Ageing, 2002. In this regard, the consultant would conduct specific research and a desk review in order to gather all available information pertaining to the Plan of Action, with a view to assessing its human rights implications and collecting relevant best practices. **The Advisory Committee has no objection to the Secretary-General's proposals.**

Human Rights Council resolution 24/24

15. In its resolution 24/24, on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, the Human Rights Council requested the Secretary-General, in cooperation with the United Nations High Commissioner for Human Rights, to designate, within the existing structures, a United Nations-wide senior focal point to, inter alia, engage with all stakeholders, in particular Member States, to promote the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations, its representatives and mechanisms. The Secretary-General's report indicates that provisions for the activities requested under resolution 24/24 have not been included in the proposed programme budget for the biennium 2014-2015 and, therefore, that an additional appropriation of $397,200 under section 24, Human rights, would be sought under the terms of the contingency fund for the biennium 2014-2015, and an amount of $38,400 would be required under section 36, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment (see A/68/634, para. 242).

16. It is proposed that one new post of Assistant at the P-4 level be established to support the senior focal point for reprisals and intimidation related to cooperation with the United Nations, its representatives and mechanisms, which amounts to $397,200 for the biennium 2014-2015. The Advisory Committee was informed, upon enquiry, that the proposed post of Assistant (P-4) would be responsible for receiving and verifying information regarding the alleged reprisals for the focal point and that the related work would be labour-intensive, as there were likely to be allegations of reprisals relating to interaction with all parts of the United Nations system regarding human rights concerns. The incumbent would support the focal point in the determination of proposed actions and follow-up, which would involve discussions with the Executive Office of the Secretary-General and liaison with Member States as well as with alleged victims. The incumbent would also develop information tools, such as a secure database, to assist the focal point and to collect best practices developed at the regional and national levels to address reprisals and intimidation, as well as design outreach materials.

17. The Advisory Committee notes that while the resources related to the focal point have been included in the revised estimates, the Third Committee has meanwhile decided to defer the consideration of, and action on, resolution 24/24 in order to allow time for further consultations thereon (see A/C.3/68/L.75). Upon enquiry, the Committee was informed that the resolution had been adopted by the Third Committee on 27 November 2013, when the report of the Secretary-General on the revised estimates had already been finalized. The Committee was also informed that should the referenced resolution be adopted by the General Assembly, the related resources would not be allocated, pending further consideration by the Assembly.

18. The Advisory Committee was informed that the Secretary-General had not yet been able to appoint a senior focal point as envisaged under resolution 24/24. **From an administrative and budgetary perspective, the Advisory Committee has no objection with respect to the resources proposed by the Secretary-General.**

Data collection by non-governmental organizations and institutions contracted by the Office of the United Nations High Commissioner for Human Rights

19. Upon enquiry, the Advisory Committee was informed that, while commissions of inquiry and fact-finding missions did not contract non-governmental organizations or other institutions to collect or analyse data, OHCHR regularly used specialized institutions for the collection and analysis of data. **The Advisory Committee recommends that the General Assembly request OHCHR to provide detailed information on the criteria and the contractual and procurement arrangements and procedures for the use of non-governmental organizations and other institutions for the collection and analysis of data, and the related internal procedures and staffing required to review such data, in the next report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council.**

Travel resources

20. The Advisory Committee notes that requirements for the travel of staff, representatives, Special Rapporteurs, Independent Experts and panellists are proposed in relation to the resolutions and decisions of the Human Rights Council.

The Committee recalls, from its report on the proposed programme budget for the biennium 2014-2015, that the Secretary-General did not provide information on the savings anticipated as a result of the decisions on travel-related measures taken by the General Assembly in its resolution 67/254 A (see A/68/7, para. 121). **The Advisory Committee expects that savings resulting from the implementation of the travel-related reform measures adopted by the General Assembly in its resolutions 65/268 and 67/254 A will be reflected in the performance report for 2014-2015 (see A/68/7, para. 123).**

Conclusion and recommendation

21. The actions to be taken by the General Assembly are set out in paragraphs 276-278 of the report of the Secretary-General. **Subject to its observations and recommendations made in the present report, the Advisory Committee has no objection to the proposals of the Secretary-General.**